



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,820	02/26/2002	David Knox	640-A01-004	2390
23334 7590 12/07/2007 FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			EXAMINER CHANDLER, SARA M	
			ART UNIT 3693	PAPER NUMBER
			NOTIFICATION DATE 12/07/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptoboca@focusonip.com

Office Action Summary

Application No.

10/085,820

Applicant(s)

KNOX ET AL.

Examiner

Sara Chandler

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-16,56 and 57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-16,56 and 57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's arguments and request for reconsideration of application 10/085,820 (02/26/02) filed on 11/06/07.

Claim Interpretation

1. In determining patentability of an invention over the prior art, all claim limitations have been considered and interpreted as broadly as their terms reasonably allow.

See MPEP § 2111.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Pruter*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). See MPEP § 2111.

2. All claim limitations have been considered. Additionally, all words in the claims have been considered in judging the patentability of the claims against the prior art. See MPEP 2106 II C. The following language is interpreted as not further limiting the scope of the claimed invention. See MPEP 2106 II C.

Language in a method claim that states only the intended use or intended result (e.g., "for _____"), but the expression does not result in a manipulative difference in the steps of the claim. Language in a system claim that states only the intended use or intended result (e.g., "for _____"), but does not result in a

structural difference between the claimed invention and the prior art. In other words, if the prior art structure is capable of performing the intended use, then it meets the claim.

Claim limitations that contain statement(s) such as "*if, may, might, can could*", as optional language. As matter of linguistic precision, optional claim elements do not narrow claim limitations, since they can always be omitted.

Claim limitations that contain statement(s) such as "*wherein, whereby*", that fail to further define the steps or acts to be performed in method claims or the discrete physical structure required of system claims.

USPTO personnel should begin claim analysis by identifying and evaluating each claim limitation. For processes, the claim limitations will define steps or acts to be performed. For products, the claim limitations will define discrete physical structures or materials. Product claims are claims that are directed to either machines, manufactures or compositions of matter. See MPEP § 2106 II C.

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) "adapted to" or "adapted for" clauses,
- (C) "wherein" clauses, or
- (D) "whereby" clauses.

See MPEP § 2106 II C.

3. Independent claims are examined together, since they are not patentable distinct. If applicant expressly states on the record that two or more independent and distinct

Art Unit: 3693

inventions are claimed in a single application, the Examiner may require the applicant to elect an invention to which the claims will be restricted.

Specification

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

The attempt to incorporate subject matter into the patent application by reference to a hyperlink and/or other forms of browser-executable code is considered to be an improper incorporation by reference. See 37 CFR 1.57(d) and MPEP § 608.01(p).

Claim Objections

Claims 6,9 and 10 are objected to because of the following informalities:

Claim 6: "minimum amount wherein" should be -- minimum amount and wherein

--.

Claim 9: "the limit" should be -- the credit limit-- .

"subsequent deposits" should be -- subsequent deposit transactions --.

Claim 10: Should this be -- said step of receiving....., further comprises the step of: -- ?

Should this be -- and wherein said step of determining"

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 56 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 56 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements and omitting essential steps, such omission amounting to a gap between the elements and the steps. See MPEP § 2172.01. The omitted elements and steps are:

How is the transaction request (and the person making the transaction request) tied to the account (i.e., Since the person who is the account holder is unknown)? Is it via a card with an account identifier, PIN # etc.?

Authorizing is passive, it is synonymous with permitting, allowing or enabling. In other words, the payment does not have to be executed. Is the payment of the transaction request required for the invention? If so how does it happen (e.g. (1) when the amount of the funds in the account is greater than or equal to the amount of the transaction request, debiting the account for the amount of the transaction request? (2) when the amount of the funds in the account is less than the transaction request, debiting the account for the amount of the funds in the account and granting a loan for the rest?)?

How is the credit record/history produced internally within the system? How is that information used by the financial institution and third party financial institutions to make credit granting decisions?

Re Claims 6, 10, 11, 13 and 15: Several claims reference an unnamed person or person. Is this the same as the unnamed source in the independent claims? If so, consistent terminology should be used.

Re Claims 7, 8 and 9: The claims 7 and 8 recite, "authorizing the second purchase transaction if the second credit limit amount is sufficient to facilitate the second purchase transaction." Should this be -- authorizing the second purchase transaction when the second credit limit amount is greater than or equal to the second purchase transaction.-- The term "if" is optional or conditional language which if not required to occur. The term "sufficient" is a relative term which renders the claim indefinite. The term "sufficient" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. A similar correction is need for claim 9.

Re Claim 13: The claim recites, "said step of determining the first credit limit is further responsive to said step of validating." Responsive how? The limitation is abstract.

Re Claim 15: The term "a degree of similarity" is a relative term which renders the claim indefinite. The term "a degree of similarity" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Dependent claims are further rejected based on the same rationale as the claims from which they depend.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 5-14, 16, 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan, US Pat. No. 6,315,193 in view of Kazaks, US Pub. No. 2002/0046341.

Re Claims 1, 5-14 and 16: Hogan discloses an automated method of authorizing a consumer purchase comprising the steps of:
receiving a plurality of first deposit transactions depositing funds into a first account
(Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4, lines 40+ - col. 7, line 52),

Art Unit: 3693

determining a first credit limit associated with a loan amount with for the first account wherein the first credit limit is based solely upon transaction information for the first account, wherein the transaction information consists of one or more of: i) the plurality of deposit transactions into the first account, ii) purchase transaction information for the first account; and iii) loan granting and repayment information for the first account, and no other financial information of an account holder associated with the first account (Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4, lines 40+ - col. 7, line 52);

receiving a request for authorization of a purchase transaction associated with the first account (Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4, lines 40+ - col. 7, line 52);

authorizing the purchase transaction when funds in the first account plus the first credit limit are greater than or equal to an amount of the purchase transaction (Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4, lines 40+ - col. 7, line 52);

and granting a loan in an amount equal to the amount of the purchase transaction less the amount of funds in the first account (Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4, lines 40+ - col. 7, line 52).

Hogan fails to explicitly disclose:

wherein at least a portion of the deposit transactions are from an unnamed source, without identification of a person associated with the first account.

Kazaks discloses:

wherein at least a portion of the deposit transactions are from an unnamed source, without identification of a person associated with the first account (Kazaks, US Pub. No. 2002/0046341, Figs. 1,2,3, abstract, [0001] – [0023]; [0037] – [0051]; [0064] – [0070]).

Analogous Art: It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the problem of extending credit.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hogan by adopting the teachings of Kazaks to provide: wherein at least a portion of the deposit transactions are from an unnamed source, without identification of a person associated with the first account.

As suggested by Hogan one would have been motivated to have a financial feature that is able to attract new cardholders and that can generate added revenue for financial institution. As suggested by Kazaks, it is often convenient or necessary for individuals to avoid using cash but, individuals may have been reluctant to use alternative payment means that were traditionally available because of their reluctance to divulge personal information or because of fear of fraudulent use.

Re Claims 56 and 57: Hogan automated method of authorizing a consumer purchase comprising the steps of:

Art Unit: 3693

receiving a plurality of deposit transactions depositing funds into a first card account (Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4, lines 40+ - col. 7, line 52;

determining a first credit limit associated with a loan amount for the first account wherein the first credit limit is based solely upon transaction information for the first account, wherein the transaction information consists of one or more of: i) the plurality of deposit transactions into the first account, ii) purchase transaction information for the first account; and iii) loan granting and repayment information for the first account, and no other financial information of an account holder associated with the first account (Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4, lines 40+ - col. 7, line 52);

receiving a request for authorization of a purchase transaction associated with the first account (Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4, lines 40+ - col. 7, line 52);

authorizing the purchase transaction when funds in the first account plus the first credit limit are greater than or equal to an amount of the purchase transaction (Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4, lines 40+ - col. 7, line 52); and

granting a loan in an amount equal to the amount of the purchase transaction less the amount of funds in the first account (Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4, lines 40+ - col. 7, line 52).

Hogan fails to explicitly disclose:

wherein the deposit transactions are from an unnamed source without identification of a person associated with the first account.

Kazaks discloses:

wherein the deposit transactions are from an unnamed source without identification of a person associated with the first account (Kazaks, US Pub. No. 2002/0046341, Figs. 1,2,3, abstract, [0001] – [0023]; [0037] – [0051]; [0064] – [0070]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hogan by adopting the teachings of Kazaks to provide wherein the deposit transactions are from an unnamed source without identification of a person associated with the first account.

As suggested by Hogan one would have been motivated to have a financial feature that is able to attract new cardholders and that can generate added revenue for financial institution. As suggested by Kazaks, it is often convenient or necessary for individuals to avoid using case but, individuals may have been reluctant to use alternative payment means that were traditionally available because of their reluctance to divulge personal information or because of fear of fraudulent use.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan and Kazaks as applied to claim13 above, and further in view of Voltmer, US Pub. No. 2002/0112177.

Re Claim 15: Hogan in view Kazaks discloses the claimed invention supra but fails to explicitly disclose wherein said step of validating further comprises the steps of:

determining an unnamed biological identification of an unnamed person causing deposit and purchase transactions occurring prior to said step receiving personal information; determining a named source for a biological identification of a non-anonymous named person causing deposit and purchase transactions occurring subsequent to said step receiving personal information; and determining a degree of similarity between the unnamed and named non-anonymous biological identifications.

Voltmer discloses wherein said step of validating further comprises the steps of: determining an unnamed biological identification of an unnamed person causing deposit and purchase transactions occurring prior to said step receiving personal information (Voltmer, Figs 1-13, abstract, [0001] – [0102]); determining a named source for a biological identification of a non-anonymous named person causing deposit and purchase transactions occurring subsequent to said step receiving personal information (Voltmer, Figs 1-13, abstract, [0001] – [0102]); and determining a degree of similarity between the unnamed and named non-anonymous biological identifications (Voltmer, Figs 1-13, abstract, [0001] – [0102]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hogan and Kazaks by adopting the teachings of Voltmer to provide wherein said step of validating further comprises the steps of: determining an unnamed biological identification of an unnamed person causing deposit and purchase transactions occurring prior to said step receiving personal information; determining a named source for a biological identification of a

non-anonymous named person causing deposit and purchase transactions occurring subsequent to said step receiving personal information; and determining a degree of similarity between the unnamed and named non-anonymous biological identifications.

As suggested by Voltmer, one would have been motivated to address the needs of most individuals to establish personal identity many times a day by providing a secure means identity (i.e, biological), that is objective, automatically measured, and resistant to impersonation, theft or fraud.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

Hogan is analogous art. It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Hogan is pertinent to the problem of extending credit..

The claimed invention determines that a first credit limit associated with a loan amount for the first account is based solely on the transaction information for the first account. The claimed invention does not require that a credit record/history is produced or created internally that provides the credit record/history for the first account. In other words, the claimed invention is just using transaction information pertaining to the first account but, it is not producing or creating the credit record/history

At present, the claimed invention is just a more narrowly drafted version of Hogan. For example, Hogan teaches that the credit limit may be determined by the credit history of the cardholder as defined by industry guidelines (e.g., Hogan, col. 5, lines 38-51). The term credit history in this context is interpreted to include use of credit reports issued by credit bureaus. Credit reports provide information such as the type of account, payments made, credit extended and balance remaining on accounts held by a cardholder. In Hogan, if the credit history/report for the cardholder only consisted of information for that one specific credit card account, the determination regarding whether to extend credit would be based on the transaction information for that one specific credit card account.

What applicant's specification suggests is the novelty of the claimed invention and what applicant argues is the novelty of the claimed invention is not what is actually claimed. First, the claimed invention does not require that a credit record/history for the first account is produced or created internally by applicant's system. Second, as presently claimed, the fact that only transaction information for the first account is maintained has not been afforded any functionality and the claimed process has not been distinguished from the process that occurs in Hogan.

This interpretation of the claims is further reinforced by the fact that the extension of additional credit (e.g., the second credit limit in claim 7 and 8) is not linked in any way the subsequent deposit transaction or loan repayment (e.g., claims 5 and 6) for the credit already given (e.g., the first credit limit). In other words, the claimed invention extends additional credit without any consideration for whether the user has properly

Art Unit: 3693

used the credit already given (i.e., by subsequent deposit transactions and loan repayments to cover the loan granted). Thus, the claimed invention does not require producing or creating a credit record/history internally for the first account, it only requires using transaction information for the first account.

At least with respect to independent claims 1 and 56, the wherein clause pertaining to an unnamed source, person is interpreted as not further limiting. The wherein clause is nonfunctional because it has not been tied to any of the positively and actively recited steps in the claim process. In other words, nothing is done differently because there is an unnamed source, person.

In response to applicant's argument that the claimed invention is not made obvious by preferred customer accounts. The claimed invention and the prior art references are all within the same field of endeavor and address the problem of extending credit. Credit extension is a service performed by a broad array of financial institutions (e.g., banks, credit unions). Many financial institutions provide benefits to account holders with a desirable account history (e.g., length of time the account is open, minimum balance, frequency of use, on-time payment etc.). The account holders are often called "preferred customers" and the benefits afforded "preferred customers" are akin to an extension of credit. These benefits include overdraft protection, lower interest rates, equity lines of credit etc.

In response to applicant's argument that the modification of the references is not proper because it destroys the intent, purpose or function of the invention disclosed in the reference. As noted supra, the claimed invention falls within the scope of the

Art Unit: 3693

teachings of the prior art references and applicant is arguing unclaimed features. Thus, this argument is not persuasive.

In response to applicant's argument that the references teach away.

Disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or nonpreferred embodiments. *In re Susi*, 440 F.2d 442, 169 USPQ 423 (CCPA 1971). "

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Please note the teachings, suggestions and motivation provided supra in the rejection.

Thus, when the claimed subject matter is considered "as a whole" it is made obvious by the teachings of Hogan, Kazaks and Voltmer.

Remarks

If further guidance is needed, applicant may wish to request an interview with the Examiner and a Primary Examiner prior to submitting the next response.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3693

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

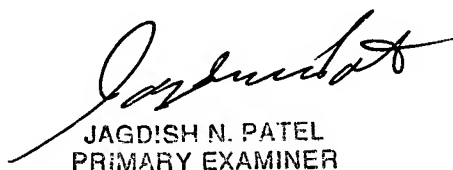
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Chandler whose telephone number is 571-272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC



JAGDISH N. PATEL
PRIMARY EXAMINER